

July 22, 2008



**TRANSCRIPT**  
**July 22, 2008**

**MONTGOMERY COUNTY COUNCIL**

**PRESENT**

Councilmember Michael Knapp, President	Councilmember Phil Andrews, Vice-President
Councilmember Roger Berliner	Councilmember Marc Elrich
Councilmember Valerie Ervin	Councilmember Nancy Floreen
Councilmember George Leventhal	Councilmember Donald Praisner
Councilmember Duchy Trachtenberg	



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1 Council President Knapp,  
2 Good morning, everyone. Welcome to the County Council. We will begin our morning  
3 session with an invocation from Iman Daud Hanif, from Ahmadiyya Movement in Islam,  
4 from Silver Spring. Please rise as you are able.

5  
6 Iman Daud Hanif,  
7 Peace be upon you all. [speaking in foreign language.] In the name of Allah the  
8 gracious, the merciful, all praise belongs to Allah alone, Lord of all the words, the  
9 gracious, the merciful, master of the day of judgment, thee alone do we worship. And  
10 thee alone do we implore for help. Guide us in the straight path, the path of those on  
11 whom thou hast bestowed thy favors, those who have not angered thy [indiscernible]  
12 and those who have not gone astray. Our Lord [indiscernible] has said, oh mankind, we  
13 have created you from male and a female and we have made you tribes and sub-tribes  
14 that you may know one another. Verily, the most unable among you in the sight of Allah  
15 is he who is most righteous among you [indiscernible]. All Allah burdens not any soul  
16 beyond its capacity, it shall have the reward it earns and it shall get the punishment in  
17 incurs. Our Lord, do not punish us if we forget or fall into error. And our Lord, lay not on  
18 us irresponsibility as thou [indiscernible] lay upon those before us. Our Lord, burden us  
19 not with what he have not the strength to bear and we face our sins and grant us  
20 forgiveness and have mercy on us, thou art [indiscernible]. So help us against the  
21 people who oppose. Our Lord, God, has said whoever [indiscernible] whether male or  
22 female and is a believer we will surely grant him a pure life and we will surely bestow on  
23 such their reward according to the best of their works. Our Lord, there is none who can  
24 bar your bounties and nor there is anyone who can grant that which you withhold. We  
25 beseech you, our Lord, make this County of ours a most beautiful County and grant us,  
26 all its residents, aforementioned bounties and favors in abundance, and remain our  
27 protector and guide always. Amen.

28  
29 Council President Knapp,  
30 Thank you.

31  
32 Iman Daud Hanif,  
33 Thank you.

34  
35 Council President Knapp,  
36 Ms. Lauer, General Business.

37  
38 Linda Lauer,  
39 We have one change and that is we're canceling the hold on Tuesday evening, the  
40 29th. All speakers will be held that afternoon. There was one Petition this week, one  
41 supporting the Suburban Hospital's Campus Enhancement Project. Thank you.

42  
43 Council President Knapp,  
44 Very good. Thank you. Madam Clerk, are there Minutes to Approve?



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1  
2 Mary Ann Paradise,  
3 You have the Minutes of June 17th and July 8th for Approval.

4  
5 Council President Knapp,  
6 Is there a motion?

7  
8 Councilmember Elrich,  
9 Moved.

10  
11 Council President Knapp,  
12 Moved by Councilmember Elrich.

13  
14 Councilmember Trachtenberg,  
15 Second.

16  
17 Council President Knapp,  
18 Seconded by Councilmember Trachtenberg. Any discussion on the Minutes of June  
19 17th and July 8th? Seeing none, all in support indicate by raising your hand. That is  
20 unanimous among those present. I would just note that Councilmember Leventhal will  
21 be joining us shortly. He got caught in the rain. So he will be joining us in a moment. We  
22 now turn to the Consent Calendar. Is there a motion for the Consent Calendar?

23  
24 Councilmember Floreen,  
25 Move approval.

26  
27 Council President Knapp,  
28 Moved by Councilmember Floreen. Is there a second?

29  
30 Councilmember Trachtenberg,  
31 Second.

32  
33 Council President Knapp,  
34 Seconded by Councilmember Trachtenberg. Discussion on the Consent Calendar, and I  
35 would just make one note. I apologize. We're going to move Action F from the Consent  
36 Calendar and we'll address that afterwards given the size of the supplemental  
37 appropriation. So we'll address that on its own once we complete the Consent  
38 Calendar. Is there a discussion on the Consent Calendar aside from that?  
39 Councilmember Floreen.

40  
41 Councilmember Floreen,  
42 Thank you very much Mr. President. Two things. One I just want to note and  
43 compliment the County Executive on item L for their action on the debt associated with  
44 revenue bonds for the Housing Initiative Fund and the Department of Liquor Control.



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1 Some of that money, as you may recall, is going for transportation projects. And this a  
2 very good thing. The second point I wanted to make is with respect to item A. I've been  
3 informed that there was a conversation yesterday about my request to establish work  
4 program item to review the development approval process. It is indeed a burdensome  
5 initiative that really was proposed by staff and we are fine tuning my request so that it  
6 will come back to the Council next week be with less annoyance I hope to Park and  
7 Planning.

8  
9 Council President Knapp,  
10 So to that point then, so do we have the work program in front of us or?

11  
12 Councilmember Trachtenberg,  
13 It's just being introduced.

14  
15 Councilmember Floreen,  
16 Introduced.

17  
18 Council President Knapp,  
19 Okay.

20  
21 Councilmember Trachtenberg,  
22 And we're going to take a final vote on it next week.

23  
24 Council President Knapp,  
25 So we modify, okay.

26  
27 Councilmember Floreen,  
28 Just so you know that's a work in progress.

29  
30 Council President Knapp,  
31 Very good.

32  
33 Councilmember Floreen,  
34 Thank you.

35  
36 Council President Knapp,  
37 I see no further discussion on the Consent Calendar. All in support indicate by raising  
38 your hand. That is unanimous among those present. Thank you very much. We now  
39 turn to Action on Supplemental appropriation to the County Government's FY09 Capital  
40 Budget and Amendment to the FY09-14 Capital Improvements Program for  
41 \$16,720,000 for the Silver Spring Transit Center, Source G.O. Bonds and Land Sale  
42 Proceeds. I turn to the Chair of the Transportation Environment Committee  
43 Councilmember Floreen.



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1 Councilmember Floreen,  
2 Thank you very much. The Transportation Infrastructure, Energy, and Environment  
3 Committee had a long and productive conversation with the players yesterday about the  
4 nature of this supplemental appropriation. It is an 18.3 percent increase in the total cost.  
5 We had actually focused on what was not in that increase to look at what other  
6 elements we felt were important to move this project forward. I will note that the nature  
7 of this increase is pretty consistent across the board. We saw a similar percentage  
8 increase in the Rock Creek Pedestrian Bridge yesterday in the PHED Committee and  
9 regrettably, this is the way of the construction world. But what we did was tried to  
10 mediate some of the issues that are out there with respect to the design and look and  
11 feel of the Transit Center. We spent some time understanding how the Purple Line  
12 would fit in with this design. That is what's not shown on these very attractive pictures.  
13 And then understanding the perspectives of the advocates for a variety of add-ons on  
14 the project. You've got Mr. Orlin's memo which is the same memo basically as what we  
15 had yesterday, right Glenn?

16  
17 Glenn Orlin,  
18 And there's an addendum though which I circulated late yesterday.

19  
20 Councilmember Floreen,  
21 And you have an addendum that summarizes.

22  
23 Glenn Orlin,  
24 If you don't have it I have extra copies.

25  
26 Councilmember Floreen,  
27 The Committee recommendation, basically we, the total then would become, the County  
28 Executive recommended a supplemental of 16,720,000. The Committee  
29 recommendation, is this the total here?

30  
31 Glenn Orlin,  
32 The total is 18,161,000, yes.

33  
34 Councilmember Floreen,  
35 18,161,000, and so we supported the County Executive's basic request. We really didn't  
36 see any way around it and between the cost of materials and planning and supervision  
37 for this project, it's regrettable, but we're stuck with it. Basically, then what we started  
38 looking at were some of the functional and aesthetic elements that were recommended  
39 by primarily Park and Planning. And we had a lengthy discussion with significant detail  
40 for nearly every item and that's shown on pages two and three of the Amendment. What  
41 we did, we sort of split the baby here in terms of the elements that we supported and  
42 the ones we did not support. And I will say that Councilmember Ervin was an active  
43 participant and welcome participant, as always, in our discussions here. But to  
44 summarize as is shown in the addendum what we recommended is the first item which



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1 is really \$60,000 for an addition, for a different kind of treatment of the sidewalk area on  
2 the top level of the Transit Center which would allow in the future for the private sector  
3 to come back and improve the look and feel of that sidewalk. That's what they call a  
4 bond break. One would like to think that was a financial benefit. Regrettably, it's a  
5 structural term which would, just put us in place to receive private sector contribution  
6 there and Glenn is showing it. You go around the top. It says sidewalk treatment issue.  
7 That was the first item. The second item.

8  
9 Council President Knapp,  
10 Sorry.

11  
12 Councilmember Floreen,  
13 Sure.

14  
15 Council President Knapp,  
16 Private, so how much private sector contribution do we get as a result of that?

17  
18 Councilmember Floreen,  
19 To be determined.

20  
21 Glenn Orlin,  
22 The point of this, what is being put in here, is two layers of bond concrete with a break  
23 in between. The idea is that if there's a surface other than concrete that can be  
24 developed which is not brick pavers, the Committee was unanimous not wanting to  
25 have brick pavers here, but something that would have some of the attractiveness of  
26 brick pavers but still make it fairly easy to maintain and also not cause a problem for the  
27 disabled as brick pavers have, that you could then take out the top layer of concrete and  
28 put in that surface later and that would be paid for by the development and be  
29 maintained by the development, not by WMATA, not by the County.

30  
31 Council President Knapp,  
32 Okay.

33  
34 Glenn Orlin,  
35 It's only, again, only the pedestrian area on the top level and the median in the middle of  
36 the top area.

37  
38 Councilmember Floreen,  
39 So that's the first item. I'll go through them and then we can come back and actually I  
40 think there's a mistake in the memo. Second one is a modest amount, \$18,700 for what  
41 they call a stamp modified asphalt treatment for the crosswalks. You want to show  
42 where that is? This is basically to make it look like the other sidewalks in Silver Spring.  
43 And we're informed that this can be done in a way that will not be a big impediment to  
44 the handicapped or disabled. Isn't that right Glenn?



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Glenn Orlin,  
That's correct.

Councilmember Floreen,  
Or it better be.

Glenn Orlin,  
It's a treatment we have on County streets in Silver Spring right now in a lot of the intersections. For example, at Ellsworth and Fenton, at all four of the intersection corners. It has not been done on a state highway yet. State Highway has been fairly resistant to doing this kind of thing up till now. But the Committee's recommendation was to go forward with the appropriation and still pursue this with State Highway. It's only \$18,700. If for some reason they finally insist that no we don't want to do this, then the money is available for the project for overruns and other areas of this \$91 million project or it may be returned at the end if it's not spent.

Councilmember Floreen,  
A big ticket item that the Committee unanimously recommended was the addition of \$1,361,800 for an escalator between the middle and top floors within the terminal. I think our thinking really was this is the time to do it while the building is being constructed. There was some talk, and this is discussed on page three of your memo, about access to be, primarily to be facilitated to the top story of the Transit Center and also to future workers from the south, I guess in the Ripley area which is on the right side of the picture there. I don't know about you all, but every time I go to Strathmore I come up the stairs in the back and I think to myself well this was value engineered out and it should have been an escalator. And I think that was a mistake on our part to go along with reducing that kind of infrastructure piece. We had a lengthy discussion about it but in the end we determined to go ahead and recommend that. There are a variety of things we did not recommend and I know there will be some discussion about it. The first item Park and Planning had initially recommended that we use glass to enclose the stair and escalator enclosures. I think they've backed off that issue actually after longer discussions.

Glenn Orlin,  
The difference is very small actually. What had been proposed initially was.

Councilmember Floreen,  
There was a misunderstanding about the nature.

Glenn Orlin,  
Right.

Councilmember Floreen,



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1 Of the design as I recall.

2  
3 Royce Hanson,

4 It was just a misunderstanding about how the design was.

5  
6 Councilmember Floreen,

7 Yeah. So that's really not a big issue. Next item was the issue of providing an additional  
8 stairwell between the middle and the top floors. According to Glenn, this item could wait  
9 until south Silver Spring was more thoroughly developed and we could look to the  
10 private sector to do that was Glenn's view and we more or less went along with it. Park  
11 and Planning wanted us to add the \$1,000,000 associated with this to the project. And  
12 then two other elements, one was a proposal to include as is shown on the plan to the  
13 right, a transit store and police station on the plaza. There are different, we had a real  
14 long talk about that. Where will otherwise be provided is in the back area there. This is a  
15 function that is a lot of transit coordination for people, a lot of transit information and  
16 there are different points of view. We had Sandy Brecker here to talk to us about the  
17 Transit Center functions itself. And there was some point of view that it should be right  
18 down there in front of everybody. The Urban District Advisory Board weighed in and  
19 said they didn't think that was such a great idea, as I recall. And different points of view  
20 on the subject, including the idea of doing what the Transit Center people are doing  
21 elsewhere, which is to use rental space in a convenient location. But this, we started  
22 getting just cost anxious about this. This was a \$500,000 cost and at least the majority  
23 of the Committee felt that if it didn't work out in the back we could always come back  
24 and add it on at a later time. Finally a purely aesthetic issue. I know Ms. Ervin felt  
25 strongly about this and I think Mr. Berliner was with Ms. Ervin on this subject, adding a  
26 canopy that would make the existing Metro Station entrance be, look more attractive. It  
27 would be, it's about, would stick out about 13 feet from the existing facade of the Metro  
28 Station there. Those of those who campaigned there know it well. It would be lighted.  
29 That again is a nearly \$500,000 cost. And it will be underneath what will ultimately, at  
30 some point in our lifetime be the Purple Line. So we were split on that. But that was the  
31 Committee recommendation, not to add on these additional elements, which would add  
32 over \$2 million to the project. Those were the tradeoffs that we made. We do appreciate  
33 the need to make this building and structure not ugly and attractive looking. And I think it  
34 is probably, personally think it's about as good as the government is going to get in this  
35 situation, particularly with those glass covers.

36  
37 Council President Knapp,

38 Which is it? is it not ugly or is it attractive?

39  
40 Councilmember Floreen,

41 We'll see how it actually looks at the end. The other thing you should know, those  
42 pictures show the planned development around the Metro Transit Center which I don't  
43 know where they are in the scale of planning, but the Transit Center is what we're, what





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1 we're looking at is the element with the buses on it shown there in the middle. That is  
2 the Committee report, do some of the additions but not all of them.

3  
4 Council President Knapp,  
5 Councilmember Ervin and then Councilmember Elrich. Question, okay.

6  
7 Councilmember Elrich,  
8 I'm looking at the attached correspondence and the correspondence from the UDAC, it  
9 seems inconclusive as to what they felt about the building. And so if there's any  
10 additional communication, I mean, it's not in the packet. And there is a letter from the  
11 Silver Spring Citizens' Advisory Board which suggests doing the whole thing, that they,  
12 where they don't suggest removing that station. And I thought that, actually that was  
13 fairly important to, you know, to the citizens' group. Glenn just handed me the latest  
14 UDAC letter.

15  
16 Glenn Orlin,  
17 This was circulated yesterday morning. You may not have seen it yet.

18  
19 Councilmember Elrich,  
20 Okay. So, there seems to be a split between UDAC and the Silver Spring Citizens'  
21 Advisory Board on this one.

22  
23 Councilmember Floreen,  
24 They don't have to pay the bills.

25  
26 Council President Knapp,  
27 Councilmember Ervin.

28  
29 Councilmember Ervin,  
30 Thank you. I joined the Committee yesterday in its conversation about the project. And I  
31 really appreciate that the Committee did go ahead and recommend what I thought were  
32 some very important elements. But Councilmember Elrich is right in that the community  
33 is really, has said to us over and over again that they want to fund the whole thing. So I  
34 appreciate that the Committee came back and included the 1.361 for the escalator  
35 which I think was an incredibly important item to fund. But I want to speak to the  
36 \$489,000 for the canopy. Again, this goes to the question of aesthetics. And  
37 Councilmember Floreen just said something really interesting, she said for a  
38 government building this is good as it's going to get. I don't believe that that should be  
39 the standard. I think that we should be building buildings that are aesthetically beautiful  
40 and we have the opportunity now before we put a spade in the ground to think very  
41 carefully about what we want to leave for future generations at this transit station. And I  
42 for one, we don't know how long we're going to wait for the Purple Line to ever, to be  
43 something real but this element here I believe is an important element as people are  
44 entering, mostly walking to the station, especially at night. It will be lighted and I think it



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1 just gives the space an element that it would not have otherwise. And I'm looking at a  
2 letter from the Silver Spring Citizens' Advisory Board and there's a line that I want to  
3 read to you. Over the last two years the Planning Board and our Board agreed on  
4 several design elements that we considered absolutely essential for the transportation  
5 center to be successful. These elements include key escalators, transparent walkway  
6 and escalator roofs to keep commuters dry and several other design features to make  
7 the transportation center more walkable, light, and inviting. Nobody wants to look at this  
8 like a New York City Port Authority complex. As small as some people might think this  
9 element is, I think it does do what I think the Planning Board and architects and other  
10 folks hope it will do. And that is to give the Silver Spring Transit Center a pleasing look,  
11 something that's beautiful, something that we can be proud of for generations to come.  
12 So I hope that my colleagues will support what I'm going to do here and that is to  
13 propose an Amendment to include the \$489,000 to put the canopy back in. I hope  
14 someone will second that motion.

15  
16 Councilmember Elrich,  
17 I second.

18  
19 Council President Knapp,  
20 Two seconds. All right. We have a motion to add an additional \$489,500 for a canopy  
21 over the Metro entrance as moved by Councilmember Ervin. Councilmember Elrich.

22  
23 Councilmember Elrich,  
24 I'll just make this comment that in general [indiscernible] I think would have to be in the  
25 next Amendment as well. This project has been value engineered to death. And I think  
26 people who were, you know, who've been involved with the original planning of the  
27 Transit Center remember the original drawings that were shown to the community about  
28 what this Center was going to look like. This Center is not the same Center that  
29 everybody was so enthusiastic about in the beginning. It's gotten smaller and more  
30 constrained and less light and it's not the same thing as what we started with and to just  
31 continue to chip away at this I think is a mistake. I mean, there are reasons why the  
32 costs of this project have gone up as much as they, and on many of other projects  
33 we've dealt with, and we need to deal with the long-term or the structural impediments  
34 in our system which caused these god awful delays and run the price of these projects  
35 up. But we can't keep saying well the price has gone up and so we're going to cheapen  
36 the project and continue to do that. This community needs a first class transit center. I'm  
37 sorry that we're not doing, you know, greater revisions to this thing than are done. I wish  
38 this were more like what was originally put on the table but I really think this element  
39 and I think that the store element which is what I think what Valerie is going to propose  
40 next are critical elements to making this thing work and I do support the addition of both  
41 elements of this project.

42  
43 Council President Knapp,  
44 Councilmember Berliner.



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Councilmember Berliner,

I supported this design element in the Committee and I urged my colleagues to look carefully at this. I share the view that aesthetics do matter, particularly on public transportation facilities, particularly on public buildings. I recently had the privilege and I know Councilmember Floreen did too to go to Kansas City for a National Association of Counties meeting. I was struck very powerfully by how beautiful their public buildings are and how much architecture does matter. And I agree that this has been value engineered. I understand the budget constraints. I respect the budget constraints that you are operating under and appreciate that you're doing the best you know how Director Holmes to ensure that we do this in a cost effective manner. And I think there are different values here at play. And I would urge my colleagues to make this an aesthetically pleasing building so that people actually are glad to be there and are proud of what we and our County do. So I support Councilmember Ervin's proposal, seconded by Councilmember Elrich and do believe it's important for all of our communities to have a sense of excitement and pleasure in the buildings that we build.

Council President Knapp,

Okay. I see no further discussion on the Amendment for \$489,500 for the canopy. All in support indicate by raising your hand. Councilmember Ervin, Councilmember Berliner, myself, Councilmember Trachtenberg, Councilmember Elrich. Those opposed? Councilmember Leventhal, Council Vice-President Andrews, Councilmember Floreen, and Councilmember Praisner. The Amendment carries. Okay. I had one question. How many passengers or how many people are currently using the current configuration of the Transit Center?

Arthur Holmes, Jr.,

Right now they're saying approximately 57,000 alightings per day and the projection here is that in 2024 which gets us close to.

Council President Knapp,

That assumes the Purple Line?

Arthur Holmes, Jr.,

No. That 57 is not, the projection then goes to 97 alightings per day.

Council President Knapp,

With the Purple Line?

Arthur Holmes, Jr.,

No. It was not included in the.

Council President Knapp,

So, 57 today?



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1  
2 Arthur Holmes, Jr.,  
3 And 97 is the capacity that is being designed for.

4  
5 Council President Knapp,  
6 But it will take us to 2024 to get to that point?

7  
8 Arthur Holmes, Jr.,  
9 Well, that's the projection, yes.

10  
11 Council President Knapp,  
12 Okay. Councilmember Ervin.

13  
14 Councilmember Ervin,  
15 Okay. I'm back with another discussion regarding the police station and the transit store.  
16 We heard a lot about the placement of the police station and the transit store. We heard  
17 from Dr Orlin in his packet about placing the buildings at the far corner of the Transit  
18 Center and that's what the Committee voted unanimously to recommend. From my own  
19 point of view, because of how many people will pass through and walk past the transit  
20 store and we heard from somebody who knows a lot about transit stores and let us  
21 know about the importance of having a transit store right there, she didn't say this, but  
22 I'm interjecting my own point of view, but right where people are going to walk past it in  
23 plain sight every day and also having a police presence at Metro, I believe, is something  
24 very important. And so I would like to offer another Amendment to add back in the  
25 \$517,000 for the police station and the transit store.

26  
27 Councilmember Elrich,  
28 Second.

29  
30 Councilmember Trachtenberg,  
31 Second.

32  
33 Council President Knapp,  
34 Moved by Councilmember Ervin, seconded by, fight for it, Councilmember Elrich and  
35 Councilmember Trachtenberg. Is there a discussion on this item? Council Vice-  
36 President Andrews.

37  
38 Councilmember Andrews,  
39 My understanding is there will still be a police presence whether it's moved or not.

40  
41 Glenn Orlin,  
42 Absolutely. The substation instead of being here will be here.

43  
44 Councilmember Andrews,



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1 Okay. Thank you.

2  
3 Council President Knapp,  
4 No further discussion? Oh, now I do. Councilmember Berliner.

5  
6 Councilmember Berliner,  
7 We had an extensive discussion in Committee and this was one that was voted down 3-  
8 0 quite frankly and it was one that I think all of us struggled with a bit. I just wanted to  
9 share with my colleagues the reasons why I ultimately was not persuaded. One, I  
10 believe the argument was made that to the extent to which one needs a police presence  
11 there, it is probably up in that corner where there are less people congregating so, in  
12 terms of issues of safety, it seemed as if a police presence there was actually more  
13 desirable than down below. Secondly, it also seemed as if there were going to be a  
14 number of opportunities to place that Transit Center in other locations, including  
15 potentially right across the street was identified as a location that was under  
16 consideration. While Chairman Hanson felt strongly that this was aesthetically pleasing,  
17 when I look at that building versus the alternative, which was I believe planters, trees  
18 and planters, I'm un-persuaded quite frankly, that the aesthetics are so much better for  
19 the one versus the other. So when I combined all that, I felt like this was one of those  
20 situations where for a half a million dollars, I just wasn't persuaded and I also felt that  
21 this was something that literally could be an add on. It didn't seem as if there was  
22 anything that precluded us in the future from revisiting this issue and deciding that in  
23 fact we do need it there because all we'd have to do is take out a planter and put these  
24 buildings in at a subsequent point in time. So on aesthetic grounds I was un-persuaded.  
25 On safety grounds, it seemed as if there was an alternative place that actually would  
26 provide the community with greater safety and for the Transit Center whose mission I  
27 think is evolving, it seemed as if there were other options. So, that's when I heard the  
28 conversation yesterday, and I went into the conversation trying to be very sympathetic  
29 to the Chairman who I have generally tried to be sympathetic to as well as to the  
30 member of Council who represents this District. I simply was not persuaded that this  
31 was a good way for to us spend our dollars.

32  
33 Council President Knapp,  
34 Councilmember Elrich.

35  
36 Councilmember Elrich,  
37 I wasn't going to say anything but now I am. I do think it's an important design feature. I  
38 think when you come out of the station under this proposal on the left, you're going to  
39 look into the mouth of a cave. And I think having a building there beats looking into the  
40 mouth of a cave. I also think it's going to mitigate against people coming out of the  
41 station and, I mean, I see plenty of crosswalks and I see lots of people who totally  
42 ignore the crosswalks. And this design really does funnel people in a way that it's going  
43 lead them to where we really do want them to cross. And I think that's important.  
44 Because the volume of buses are going to be pouring out of that opening in the rush



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1 hour is pretty enormous. So you really want the safest crossings there. You don't want  
2 pedestrians interfering with the movements of buses let alone getting underneath the  
3 movements of buses. So I think there are good design reasons for building that. I'm  
4 somewhat less persuaded about the police station because, in reality they're not  
5 supposed to be sitting there anyway, you'd want them walking around. But I do think the  
6 Metro store aspect of it is critical. I imagine they're at marginal costs of the, 517 to add  
7 the police station is essentially marginal. I would be concerned, I mean, if you're talking  
8 about moving the store to Coleville. Is that what we're talking about? On that side?

9  
10 Glenn Orlin,

11 In the Committee it was just talked about that in the future they're looking at perhaps  
12 other rental spaces. Right now it's across the street.

13  
14 Councilmember Elrich,

15 If the future if it moves to other spaces, then this \$517,000 savings will evaporate,  
16 particularly if you wind up renting it from somebody else that's owned by, in somebody  
17 else's private building. You can be pretty sure that the savings will be gone pretty soon.  
18 And lastly, that's the best location for a store. If I put it on the other side of Coleville  
19 Road, you know, that means somebody coming from this end has to come down to the  
20 station and then remember to go across Coleville Road. Not the most pleasant road in  
21 the world to cross under any circumstances and then go into the station. So, I think, if I  
22 was putting in a store, I'd want it opposite the entrance to the most used part of the  
23 station and I think that's the place that is most likely to capture the most customers.

24  
25 Arthur Holmes, Jr.,  
26 May I?

27  
28 Council President Knapp,  
29 Councilmember Trachtenberg, oh sorry, Director Holmes.

30  
31 Arthur Holmes, Jr.,  
32 You're indicating that we were moving the station across the street, I think that's not  
33 really what was said yesterday. The station right now is across the street.

34  
35 Glenn Orlin,  
36 The store.

37  
38 Arthur Holmes, Jr.,  
39 The store, rather. And moving the store back, we would move the store back to where  
40 the other bus operations are with their fare items and what have you. So it would be  
41 back there and with the police back there, they would then, I think, have a better view, a  
42 better way of moving around. So it's not that we're going to move the station across the  
43 street. And as far as funneling people out of the station with a building, I think you can  
44 funnel the station out, and this the kind of thought process that I went through as I made



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1 the recommendation, you can funnel them out with something different than a building  
2 there at the cost of about a half million dollars. And I would like to, since I am talking, I  
3 should not talk too much, we did not set out, and I don't think we ended up with a  
4 building that is not attractive. We had to do some things because we, I was on the  
5 Planning Board when they first started this particular building process. And it was a very  
6 much different design. But also you didn't have transit oriented development there. So it  
7 is a different situation now.

8  
9 Council President Knapp,  
10 Okay. Councilmember Trachtenberg.

11  
12 Councilmember Trachtenberg,  
13 Thank you President Knapp. I'm going to speak in support of the Amendment that was  
14 provided by Councilmember Ervin. You know, I think if we're inclined to make an  
15 investment about the canopy it would seem to me that this would be as vital a  
16 component as that. And I'm looking at this beyond the issues of both the design and  
17 public safety. I very much believe that having the store and the police station in the front  
18 on exactly as initially proposed provides a resource to the community and really in many  
19 ways it helps continue to develop the concept of neighborhoods which is part of what  
20 we're doing beyond making a centralized location available for Metro services. So I very  
21 much believe that if we're going to make the investment in the canopy we really should  
22 be making the investment in the combined store, police station. The community has  
23 waited a great deal of time for this project. And if we're going to make the investments,  
24 we might as well make the wisest investments and the ones that bring us the greatest  
25 return. And in my mind this an investment in our community in Silver Spring.

26  
27 Council President Knapp,  
28 Okay. I see no further discussion on the Amendment for the additional 517,000. All in  
29 support indicate by raising your hand. Councilmember Ervin, Councilmember  
30 Trachtenberg, Councilmember Elrich. All opposed? Councilmember Leventhal,  
31 Councilmember Berliner, Councilmember Praisner, Councilmember Floreen, Council  
32 Vice-President Andrews, and myself. The Amendment does not carry. Further  
33 discussion on the Agenda item for the supplemental? I see none. All in support of the  
34 supplemental as amended, which would bring our total to, math.

35  
36 Glenn Orlin,  
37 \$18,161,000 plus.

38  
39 Council President Knapp,  
40 About \$18,600,000.

41  
42 Glenn Orlin,  
43 Something like that.



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1 Council President Knapp,  
2 It's going to be roughly, \$18,161,000 plus \$489,500. Okay. All in support indicate by  
3 raising your hand. That is unanimous. Thank you very much. We now turn to Legislative  
4 Session, day number 24. Madam Clerk, is there a Journal for Approval?

5  
6 Mary Ann Paradise,  
7 You have the Journal of June 24th for Approval.

8  
9 Councilmember Ervin,  
10 Move approval.

11  
12 Council President Knapp,  
13 Moved by Councilmember Ervin.

14  
15 Councilmember Trachtenberg,  
16 Second.

17  
18 Council President Knapp,  
19 Seconded by Councilmember Trachtenberg. Is there a discussion on the Legislative  
20 Journal? Seeing none. All in support indicate by raising your hand. That is unanimous  
21 among those present. Thank you. We have no Bills for Introduction. Call of Bills for Final  
22 Reading. Bill 23-08 Commission on Veterans Affairs - Establishment. The HHS  
23 Committee recommends approval with Amendments. I turn to the Chair of the HHS  
24 Committee, Councilmember Leventhal.

25  
26 Councilmember Leventhal,  
27 Thank you Mr. President. The HHS Committee does recommend adoption and creation  
28 of a Commission on Veterans Affairs. It's been pretty thoroughly explained to the  
29 Council and we recommend that it pass.

30  
31 Council President Knapp,  
32 Are there further comments? I would just note that I think this is a significant step  
33 forward to establish the Commission. And I would urge that Commission once formed to  
34 take speedy action to make recommendations to us. I think unfortunately we have all  
35 seen way too many stories over the course of the last five years of returning veterans  
36 not receiving necessary services. And I would observe that unlike many of our previous  
37 military engagements over the last century, this is unique in that we have so many of  
38 our residents who are serving in the military from a civilian perspective. Oftentimes  
39 military service in an area of combat or area of action comes back to some that are still  
40 serving in the military. Many of our folks are going directly from a civilian environment  
41 into a military environment and back to a civilian environment in which much of their life  
42 has been disrupted and we're expecting them to easily adjust back to that. And I think  
43 we have seen too many instances where that has not been the case and so I would  
44 urge the Commission once formed to really move with haste to make recommendations





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1 to us. Because I think there are many that we, as a local government, could act upon  
2 especially in the absence of true leadership on this part, on the part of the federal  
3 government. So I appreciate the County Executive for making this recommendation and  
4 appreciate the HHS Committee for its efforts and I see no other discussion on Bill 23-  
5 08. So I'll again ask those in support to indicate by raising their hands, oh, roll call,  
6 sorry. We have a roll call, Madam Clerk, if you would call the roll, don't raise your hand,  
7 just answer yes.

8  
9 Mary Ann Paradise,  
10 Mr. Elrich.

11  
12 Councilmember Elrich,  
13 Yes.

14  
15 Mary Ann Paradise,  
16 Mr. Praisner.

17  
18 Councilmember Praisner,  
19 Yes.

20  
21 Mary Ann Paradise,  
22 Ms. Trachtenberg.

23  
24 Councilmember Trachtenberg,  
25 Yes.

26  
27 Mary Ann Paradise,  
28 Ms. Floreen.

29  
30 Councilmember Floreen,  
31 Yes.

32  
33 Mary Ann Paradise,  
34 Mr. Leventhal.

35  
36 Councilmember Leventhal,  
37 Yes.

38  
39 Mary Ann Paradise,  
40 Ms. Ervin.

41  
42 Councilmember Ervin,  
43 Yes.



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1 Mary Ann Paradise,  
2 Mr. Berliner.

3  
4 Councilmember Berliner,  
5 Yes.

6  
7 Mary Ann Paradise,  
8 Mr. Andrews.

9  
10 Councilmember Andrews,  
11 Yes.

12  
13 Mary Ann Paradise,  
14 Mr. Knapp.

15  
16 Council President Knapp,  
17 Yes. Bill 23-08 passes 9-0. We now have Expedited Bill 24-08, Landlord-Tenant  
18 Relations - Attorney Fees - Sunset. I would turn to Mr. Faden to give us a quick  
19 overview on this one.

20  
21 Mike Faden,  
22 Mr. President, this is a provision in the County Landlord/Tenant Law that was put in  
23 when it was revised about eight years ago but was Sunsetting at the time because it was  
24 a new provision regulating attorney's fees in leases. The Sunset was extended twice.  
25 There appears to be a consensus that the provision is working. We did not hear  
26 objection to it from representatives of either the landlords or tenants. So the Executive  
27 proposed this Bill to repeal the Sunset and make this provision permanent.

28  
29 Council President Knapp,  
30 Excellent. That's what the Committee recommended. I see no discussion on Expedited  
31 Bill 24-08. So with that, Madam Clerk, if you would call the roll.

32  
33 Mary Ann Paradise,  
34 Mr. Elrich.

35  
36 Councilmember Elrich,  
37 Yes.

38  
39 Mary Ann Paradise,  
40 Mr. Praisner.

41  
42 Councilmember Praisner,  
43 Yes.



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1 Mary Ann Paradise,  
2 Ms. Floreen.  
3  
4 Councilmember Floreen,  
5 Yes.  
6  
7 Mary Ann Paradise,  
8 Mr. Leventhal.  
9  
10 Councilmember Leventhal,  
11 No.  
12  
13 Mary Ann Paradise,  
14 Ms. Ervin.  
15  
16 Councilmember Ervin,  
17 Yes.  
18  
19 Mary Ann Paradise,  
20 Mr. Berliner.  
21  
22 Councilmember Berliner,  
23 Yes.  
24  
25 Mary Ann Paradise,  
26 Mr. Andrews.  
27  
28 Councilmember Andrews,  
29 Yes.  
30  
31 Mary Ann Paradise,  
32 Mr. Knapp.  
33  
34 Council President Knapp,  
35 Yes. Bill 24-08 passes 8-1. Thank you very much. 7-1, no, it's 8-1, oh, Ms. Trachtenberg  
36 was not here, 7-1, I apologize. Would you like to be recorded?  
37  
38 Councilmember Trachtenberg,  
39 Yes.  
40  
41 Council President Knapp,  
42 8-1.  
43  
44 Councilmember Floreen,



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1 You were right.

2  
3 Council President Knapp,

4 Okay. Bill 24-08 passes 8-1. Just took us a minute. Okay. Thank you very much. We  
5 Turn to Action on the Proposed Charter Amendments. We had discussion on this item  
6 last week in which we took a series of straw votes indicating the Council's intent at that  
7 time. I turn to Mr. Faden to walk us back through the two items for Action.

8  
9 Mike Faden,

10 What you have before you starting on circle one of this packet is a Resolution which  
11 includes the two items that the Council tentatively approved putting on the ballot at your  
12 worksession on July 8th as well as the ballot language for question C which was put on  
13 the ballot by petition. The Board of Elections found that the petition had sufficient  
14 signatures and otherwise qualified and so you need to have this language also in the  
15 Resolution. The two Amendments that the Council discussed and tentatively approved  
16 on July 8th, question A has to do with repeal of certain legally ineffective provisions.  
17 Charter Review Commission recommended this to take out of the Charter three  
18 provisions put on by petition in the 1980s, two of which have been enjoined in the  
19 Maryland courts, and the third, and those two and the third in our view don't legally  
20 qualify and could never, as Charter material, and could never be put into effect. So  
21 that's question A. Question B is the Amendment that you tentatively approved two  
22 weeks ago, originally suggested by staff here. The Charter Review Commission wanted  
23 to study it longer. We sent around yesterday and have more copies if anybody needs it,  
24 a revised draft of that which more closely tracks the similar 1998 Charter Amendment  
25 and we think is more precise and would recommend the language in the supplementary  
26 packet rather than in the original packet.

27  
28 Council President Knapp,

29 Okay. Mr. Firestine, joined by the CAO for comments, I believe on B.

30  
31 Tim Firestine,

32 B, that's correct. Thank you for recognizing me. We have some significant concerns  
33 about this Charter Amendment. I will say up front the County Executive does oppose  
34 the Charter Amendment as it's currently framed, a number of reasons. We do think the  
35 suggestion by the Charter Review Commission to do some more work on this would be  
36 appropriate. We understand what the objective is and maybe it is a good objective to  
37 more narrowly define certain Special Taxing Districts that you want to except from this  
38 as we did with the Development Districts. They were taken out of it. The problem is that  
39 we think that this first of all, has, at this point, the wording creates some unintended  
40 consequences. I'll give you a good example. I think the way the wording is framed here  
41 with this cap, this would apply to the Recreation Special Taxing District which currently,  
42 you're shaking your head no but we don't necessarily agree with that.

43  
44 Mike Faden,



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1 There is no Recreation Special Taxing District.

2  
3 Tim Firestine,

4 There is a Recreation Special Taxing District. As you define it here, it's limited to a  
5 certain geographic area of the County. Now, we can sit here and argue this in front of  
6 you or we can sort of delay this and have a further discussion at some point in the  
7 future. But if we're disagreeing over how this is defined within this section of the Charter,  
8 you can imagine how confusing it would be once those who don't like this challenge it.  
9 So our concern is we don't think the language is precise enough. If you have certain  
10 objectives with respect to a specific type of Taxing District, just like we did with the  
11 Development District taxes, then we should look at that. But to leave it as broad as it's  
12 currently defined we think is troubling. Also, you know, maybe focusing in on the base is  
13 part of the challenge. Maybe as the Charter Review Commission subcommittee  
14 suggests at looking at collections from Special Taxing Districts rather than a limitation  
15 based on the assessable base that that might be a more appropriate approach. So, in  
16 any event, I think we're saying we need to do more work on this before we scramble to  
17 put language in the Charter and then we're stuck with what we have in the Charter.

18  
19 Council President Knapp,

20 Okay. We have a series of Council comments or questions. I will start with  
21 Councilmember Berliner.

22  
23 Councilmember Berliner,

24 Thank you Council Chairman Knapp, President Knapp. I was not with my colleagues. I  
25 was out of town when we discussed this matter previously. And I just wanted to share  
26 with my colleagues, I think this is one of those classic situations where the juice is not  
27 worth the squeeze in this moment in time. I know that my residents in my District and  
28 I'm sure that I am in some ways reflective with my colleagues, are still reeling from the  
29 increase in taxes that we approved in our last budget. To follow that up with something  
30 that I believe could be perceived as a circumvention of the Charter limits in this moment  
31 in time I think is ill advised. I do think conceptually that there is merit in looking carefully  
32 at this approach. Because actually, I do believe there is a way that this actually can  
33 reduce property tax increases in the future and provide additional revenue for our  
34 County that our County obviously needs. But I do think the Charter Review Commission  
35 was correct in deferring action at this moment in time believing it does need more study.  
36 And I think quite frankly they are right with respect to that and so I believe that we would  
37 be ill, not well served to adopt this approach at this moment in time.

38  
39 Council President Knapp,

40 Councilmember Floreen.

41  
42 Councilmember Floreen,

43 Thank you. Is this the language that then Councilmember Leggett supported in 1998?



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1 Mike Faden,  
2 It is.

3  
4 Jennifer Hughes,  
5 Would you like me.

6  
7 Councilmember Floreen,  
8 Just wanted to ask.

9  
10 Jennifer Hughes,  
11 Would you like me to address that?

12  
13 Councilmember Floreen,  
14 No.

15  
16 Jennifer Hughes,  
17 Well. I think that there.

18  
19 Councilmember Floreen,  
20 I wanted to, one of the issues with this, and the I thing I would like you to talk about is  
21 the issue that we are continuing to struggle with which are special needs in certain  
22 communities. And we're going towards user fees, we are very much trying to lighten the  
23 load, believe it or not, on the average property taxpayer. And the whole point of this  
24 initiative is to try to shift obligation to where the benefits are most directly received. This  
25 is going to be the thinking of the future for, I think, most special kinds of projects  
26 throughout the County. So I'd like to understand the County Executive's current concern  
27 in this regard? There's no good time to raise this question. There's always going to be  
28 some kind of community pushback on the subject. But if we don't achieve the powers  
29 that we need, we will not be able to respond to discreet and definable community  
30 needs. I mean, right now, the special, the Development Districts are exempt from this  
31 initiative. So that's good for certain areas of the County. But if we were looking at a way,  
32 for example, to fund special bus service and a way to fund special initiatives that we all  
33 agree to but we don't have the resources from the state or the federal government, we  
34 otherwise have to look to the property tax revenue primarily as a major contributor to  
35 funding initiatives that really are designed to support a very small segment of the  
36 community, or at least a, not the full community. That's the challenge with all this. So I'd  
37 like to understand what the current objection is.

38  
39 Jennifer Hughes,  
40 Well.

41  
42 Councilmember Floreen,  
43 And it's regrettable we didn't hear from you a couple, when we, when this first came up.



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1 Jennifer Hughes,  
2 You mean, when it first came up last week?

3  
4 Councilmember Floreen,  
5 Yeah.

6  
7 Glenn Orlin,  
8 Two weeks ago.

9  
10 Councilmember Floreen,  
11 Two weeks ago.

12  
13 Tim Firestine,  
14 I think that's the, we followed this through the Charter Review Commission and we  
15 assumed that it would be studied more so that we could have this done precisely. I think  
16 our concern, you know, we, talking about ten percent of the County's assessable, that's  
17 \$14 billion and, you know, that's still a sizeable number if you're setting a cap. It may  
18 not be sizable, depending on, you know, how much you're trying to raise from these  
19 Special Taxing Districts. Like I said.

20  
21 Councilmember Floreen,  
22 Are you saying there shouldn't be a cap?

23  
24 Tim Firestine,  
25 Well, I don't know. I don't know what the right cap is. You have two approaches that  
26 were presented, one is a cap on the assessable base, one is a cap on the actual  
27 collections. The rest of the section of the Charter talks about collections. You're now  
28 mixing a new concept. You're mixing the base and maybe you don't want it to be the  
29 base. You know, because mostly, the base can be as large as you want it to be. It's  
30 whatever you set the rate at that really reflects what the tax burden is on the individual  
31 who is paying the taxes, so, you know, perhaps re-shifting this to refocus on these. If  
32 you're going to set a broader category, then maybe the broader category should have a  
33 collection limit, not an assessable base limit. That's what we're talking about, that this is  
34 late arriving, we assume that we, you know, if we're going to focus on this definition of a  
35 specially defined taxing area to accomplish some specific objectives, that maybe we  
36 could more narrowly focus it.

37  
38 Councilmember Floreen,  
39 And we should do that during an election year rather than at this point in time? I mean,  
40 that's the issue for us all.

41  
42 Tim Firestine,



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1 Our concern is twofold. One is the timing, but second, it's the fact that we're scrambling  
2 to put language in the Charter that could affect us in the future, and we want to make  
3 sure that that language is precise enough to accomplish the objectives that we all have.

4  
5 Councilmember Floreen,  
6 Do you have some other different words?

7  
8 Tim Firestine,  
9 I do not. And I don't want to sit here and make up words.

10  
11 Councilmember Floreen,  
12 Maybe Mr. Orlin or Mr. Faden could respond to the kinds of concerns that have been  
13 raised.

14  
15 Glenn Orlin,  
16 Well, I won't talk about the words. Mike is the word guy. The, again, the reason for this  
17 was to try, the reason for the particular limitation on the assessable base was to try to in  
18 fact show the voters that we weren't going to use this method to circumvent FIT. That  
19 was the entire purpose.

20  
21 Councilmember Floreen,  
22 Yeah.

23  
24 Glenn Orlin,  
25 The County, if we say we're only going to limit it to ten percent of the County as  
26 measured by assessable base, right now, we apply it to four percent of the assessable  
27 base would allow the area as defined by assessable base to grow by two and a half  
28 times. The collection -- Amendment, which we talked about as the alternative two weeks  
29 ago, as I thought about it last night, I realized there is a problem with it, which can be  
30 dealt with. That was to limit it to two and a half percent of collections, as we're currently  
31 getting one percent. But if we limit it strictly to collections and say nothing else, you  
32 could have a County wide tax which is just, collects less than two and a half percent.  
33 And the whole idea of this Amendment was not to have it apply to most of the  
34 population of the County. It was not going to affect the rest of us in District One who are  
35 your constituents Mr. Berliner, because that's where the, frankly the, if I recall in 1990,  
36 the property tax revolt came from was, it came out of District One and spread. So  
37 whatever we do, I think it needs to be some type of geographic restriction on this, so it  
38 does not hit the majority of property taxpayers, particularly residential property  
39 taxpayers. The property taxes that we have now which are small areas are Parking  
40 Districts, which are optional. You don't have to pay the Parking District. If you provide  
41 your own covered parking, you don't pay the Parking District tax. It just so happens to  
42 be that it's a property tax that counts against FIT. If it's a Noise Abatement District, if  
43 you want a noise wall and the County is not going to pay for the entire amount of it, and  
44 you're paying, and your neighborhood wants to pay some more so you can have it,





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1 you're essentially paying back the County principal and interest, but it's option. It's the  
2 option of the people living there, do they want a noise wall or not? The third type that we  
3 have now are Urban Districts. Now, they are not optional, but in the 20 years that I've  
4 been here in the County, where there have been Urban Districts since 1988, I don't  
5 recall a single time where the Council has recommended a higher tax rate than what the  
6 Urban District Advisory Boards in those areas have recommended. This Charter  
7 Amendment would allow the opportunity for expansion of more Urban Districts and  
8 Parking Districts in discussions in the master plans that are being developed for White  
9 Flint and Twinbrook and other areas are all talking about this kind of thing. Can you do  
10 those without a Charter Amendment? Absolutely you can. But the problem is that every  
11 dollar you collect out of those taxes is a dollar then you cannot collect for the general  
12 property tax for basic services, unless you decide to gather seven or more votes  
13 amongst you to exceed the cap. As far as the specific language, again, and  
14 unfortunately Mike and I we were talking about this latest language today and the  
15 Executive Branch has not seen it, they just would have walked in today and seen it for  
16 the first time. We think it does make it more very specific in terms of what we're talking  
17 about.

18  
19 Mike Faden,

20 Two points on the language. First of all, the assessable base is a finite, independent  
21 number, that's why we recommended it. It's a number actually that was derived from the  
22 assessments done by an outside state agency. It cannot be fiddled with by the County.  
23 Secondly, the key phrase in the new language is Special Taxing District created by  
24 County law so that would not include, for example, the Regional or Metropolitan District  
25 where the Planning Board gets its funding, it's only those Districts of the kind that Glenn  
26 mentioned that are created by County law to apply a special property tax.

27  
28 Glenn Orlin,

29 But those taxes wouldn't apply anyway because their assessable base represents way  
30 more than ten percent of the County.

31  
32 Mike Faden,

33 Right, they couldn't be brought into here. But they also wouldn't qualify.

34  
35 Glenn Orlin,

36 Right.

37  
38 Councilmember Floreen,

39 Okay. Thank you. You know, I'm not sure the Council has that, has the final.

40  
41 Mike Faden,

42 It was sent around yesterday.

43  
44 Councilmember Floreen,



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1 We're human.

2  
3 Mike Faden,  
4 We will make more copies.

5  
6 Council President Knapp,  
7 Mr. Firestine, you wanted to.

8  
9 Tim Firestine,  
10 Again, you know, we're talking about language you guys haven't even seen. But I don't,  
11 you know, if the focus here is to create more Parking Lot Districts, then you know, make  
12 it specific that it's Parking Lot Districts that are exempt. I mean, we've talked about that  
13 in the past. On the other hand, Parking Lot Districts raise so little property tax relative to  
14 the total amount of property taxes raised that right now it's almost noise in the  
15 calculation. But you could include Noise Abatement Districts, Property Tax Districts,  
16 without there being any unintended consequence on what you're doing. Our concern is  
17 that when you use language as the language is reflected here, and I didn't hear you,  
18 you earlier said it wouldn't apply to the Recreation Tax District.

19  
20 Mike Faden,  
21 There is not a Special Taxing District.

22  
23 Councilmember Leventhal,  
24 Mr. President, could we not have debate among guests at the Council? Could we just  
25 restrict debate to Councilmembers?

26  
27 Tim Firestine,  
28 Well, I don't think that was addressed when Mr. Faden answered the question that the  
29 Council asked.

30  
31 Council President Knapp,  
32 Mr. Leventhal, that's fine. Okay, any further comments?

33  
34 Tim Firestine,  
35 No.

36  
37 Council President Knapp,  
38 Okay. Councilmember Trachtenberg.

39  
40 Councilmember Trachtenberg,  
41 Thank you President Knapp. I actually wanted to ask Mr. Firestine for some further  
42 elaboration specific to the recommendation from the Commission that the collections  
43 would be the basis for the limit, and I wondered if you could comment on that, versus  
44 the base. I, you know, as we talk about this.



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Tim Firestine,

This section of the Charter is focused on trying to limit the burden on a taxpayer, that's the concept behind it. Everything else in this section really focuses on collection. How much revenue did you collect the prior year? And it's collections because that's what hits the burden. This switches the concept to focusing on limiting it to a certain portion of the base. And again, I don't know what the unintended consequences are. If for example, we believe the Recreation Tax District is a part of this, the Recreation Tax District is way more than ten percent of the base. It seems to me, you would have exceeded the ten, you'd already be above the ten percent that's reflected here. On the other hand, if the tax rate, if you do it based on collections or limit it to a certain amount of collections, then whatever you set the tax rate at, it doesn't matter how big the base is, as long as it's a sub geographic region, and it may be that, you know, you want to cover a fairly large area with say a transit related charge, property tax charge, but the charge would be a fairly small amount, then the collection limitation would help you more than would the actual assessable base limitation. That's why I am saying, you just need to, I think, study it, figure out what you're trying to accomplish, and then make sure the Charter accomplishes that.

Council President Knapp,  
Councilmember Leventhal.

Councilmember Leventhal,

I'm prepared to go along with the County Executive's request on this. I don't change my vote very often, but I'm prepared to do so in this case, so I'm prepared to vote against placing this on the ballot at this time. Let me just say to my friends from the Executive Branch that the Council generally meets on Tuesdays. The meetings are televised. The packet is available on the internet a couple of days before the meeting. I am going to go along with the Executive Branch on this but the Executive Branch first conveyed its concerns about this Agenda item to Councilmember Leventhal last night at 6:00 p.m., the Council went into session this morning at 10:00 a.m., so, in future, I would just encourage the Executive Branch to pay appropriate attention to the deliberations of the County Council. We do meet regularly and our deliberations are very public and information is widely disseminated so I do encourage the Executive Branch to let us know its concerns in a timely matter in the future. However, in this case, I do not think it is wise for, and I apologize in advance for making a political comment, I do not think it is wise for a democratic County Council and a democratic County Executive to be on opposite sides of the Charter Amendment and place that before the voters. I think that will be confusing. I think this would benefit from a little more time and thought. I don't think any Taxing District or any infrastructure priority will be harmed if the Charter is not amended for another couple of years and we can work through this in a cooperative manner. But again, I do encourage the Executive Branch to timely notify Councilmembers of its concerns and to, you know, when my good friend Tim Firestine says, we assumed that the Charter Review Commission's recommendation would carry,



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1 well actually, we voted on it, we had a straw vote on television two weeks ago. We  
2 could have been discussing this in a setting other than on television.

3  
4 Tim Firestine,  
5 Mr. Leventhal, I do not disagree.

6  
7 Councilmember Leventhal,  
8 Now we are discussing it on television.

9  
10 Tim Firestine,  
11 That's a very good point and we will pay closer attention in the future.

12  
13 Councilmember Leventhal,  
14 But I'm voting with you Tim.

15  
16 Tim Firestine,  
17 I appreciate that too.

18  
19 Council President Knapp,  
20 Councilmember Elrich.

21  
22 Councilmember Elrich,  
23 Tim, I won't be voting with you. I'm going to vote on the other side on this. I think that, I  
24 am concerned about putting this off for years, two years, it will probably be four years in  
25 reality. I think it's a discussion that we need to have. I'm concerned, for example, you're  
26 going to get a White Flint master plan, there are going to be some folks who are going  
27 to benefit enormously from the zoning there. There are going to be enormous  
28 infrastructure needs that if that plan, if we embrace that plan the way people are talking  
29 about, there'll be enormous infrastructure needs. We're going to be faced with two  
30 choices. Pass the cost of that infrastructure onto everybody else in Montgomery County,  
31 rather than the property owners who are going to benefit from it, or to not pass it on to  
32 everybody else in the County in the form of cutting other services in order to stay within  
33 the tax limit. And I, that does not make me comfortable. I think that we need to have the  
34 tools to raise money in a more flexible way. I don't think, I think this is to our benefit. I  
35 think if I'm doing major projects in areas to get a discreet benefit out of it, then we ought  
36 to be able to target the tax increase in those areas and not pass it on to everyone else  
37 or wind up not doing it at all. And you have, I mean.

38  
39 Tim Firestine,  
40 But the example you gave, you already have a tool, I mean, you could do a special  
41 Development District tax for that area to create that infrastructure.

42  
43 Councilmember Elrich,



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1 If I get how many people to vote for it over there and how many signatures of the  
2 assessed value? The agreement of the people who own what percentage of the  
3 assessed value to agree to it?

4  
5 Councilmember Floreen,  
6 Very different.

7  
8 Councilmember Elrich,  
9 This is a whole different thing. This is our recognizing that I'm going to be asked to A  
10 approve the up zoning and then B provide the infrastructure to make that work and then  
11 be deprived of a tool to raise the money to provide that infrastructure unless I'm willing  
12 to go to all the taxpayers of Montgomery County. And I think that's wrong. I am eagerly  
13 awaiting the Development District legislation, not for Clarksburg, but for future  
14 Development Districts. But that's good for green field's development, that's very difficult  
15 stuff to do in areas that aren't green fields. We need a mechanism to do this. I frankly  
16 don't think this needs any more study, there are studies all around the country that tell  
17 you which way to do this. We're not inventing anything new here. We're in well trod  
18 territory. We could decide which of the menu of taxes or mechanisms that we could pick  
19 from. Now, you know, it may be that this could have been wordsmithed over the last  
20 couple of weeks and I really, I agree with George on this one, I mean, you guys could  
21 have helped us get to a solution. If this was just the matter of the right words that you  
22 really agree with us on principle and it's just this overly broad thing, I think we could  
23 have agreed to a less broad, if that's your fear, less broad language. And, you know, if  
24 Council staff thinks they could come back in, you know, in a week which language that  
25 referred to our ability, for example, to create Transit Districts or other things that would  
26 be discreetly exempt from this, because I think that's going to be the big need and we're  
27 going to be asked to do is fund transit, I'm willing to look at that, but I think it's a mistake  
28 to put this off. Because it won't be, if we put it off now, it's not going to be on the ballot in  
29 2010 either, which means the first time we're going to see this is 2012 and if everything  
30 goes right in Park and Planning we might have 12 to 15 master plans done in the next.

31  
32 Councilmember Trachtenberg,  
33 Five.

34  
35 Councilmember Elrich,  
36 Well, that's your pessimism but we're going to have a bunch of plans come forward  
37 which may well be looking for mechanisms like this to help provide the infrastructure  
38 and I don't want to continue to give away, you know, zoning and density without the  
39 ability to capture revenues to pay for the infrastructure I need to support it and without  
40 having to go to every other taxpayer, the other 90% of the people in Montgomery  
41 County to try to get the money from them, rather than from the people who benefit from  
42 it.

43  
44 Council President Knapp,



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1 Councilmember Ervin.

2  
3 Councilmember Ervin,

4 Thank you very much. I for one didn't have the benefit of a telephone call last night,  
5 maybe some Councilmembers received telephone calls. I didn't receive one. Okay.  
6 Well, I didn't receive a telephone call myself but I think that this is a political  
7 conversation that really shouldn't be taking place at this dais. Last, two weeks ago we  
8 voted, it was a 6-2 straw vote, and I can tell by counting the votes at the dais that this is  
9 not going to pass. I think it's unfortunate. I think that Councilmember Elrich really pretty  
10 much speaks to where I am on the issue. Unfortunately, had we had the conversations  
11 earlier, we might be having a completely different discussion at the table today, so  
12 because of the benefit that we didn't get for time here, I'm going to stay where I was two  
13 weeks ago, and support the Council staff's recommendation because I think four years  
14 into the future is a long time for us to wait to figure out how to fix this issue.

15  
16 Council President Knapp,  
17 Councilmember Trachtenberg.

18  
19 Councilmember Trachtenberg,

20 Thank you President Knapp. Well, I very much appreciate the comments that were  
21 made really by everyone here this morning, but in particular, the comments that were  
22 made by Councilmember Elrich, but as someone who hails from the White Flint area  
23 and understands the significance of tax instruments and how aggressively they're going  
24 to need to be used, I also feel that that really speaks to why this has to be done  
25 correctly in terms of process. Originally, when we took the straw vote, I voted to support  
26 the recommendation from the staff. At this time, what I think is that we would benefit  
27 from some clarification over our objectives and clearly appropriate language to make  
28 that happen. Now, can that happen in a week? Possibly, but maybe not. So I'm going to  
29 make a motion at this time to defer action on this item.

30  
31 Council President Knapp,  
32 We have a motion to defer.

33  
34 Councilmember Trachtenberg,  
35 We can defer it to next week, see what we get. I'm willing to try that.

36  
37 Council President Knapp,  
38 Actually, I think at this, I don't know that we actually need to defer. We would just.

39  
40 Councilmember Trachtenberg,  
41 Table it.

42  
43 Council President Knapp,



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1 Right. We're either going to vote up and down, and then if it were to be voted down,  
2 trying to think what we got before.

3  
4 Mike Faden,  
5 What you have is the Resolution.

6  
7 Council President Knapp,  
8 Right.

9  
10 Mike Faden,  
11 With two other elements which you don't have to pass this week, but you should pass  
12 next week, unless you want to come back in August.

13  
14 Unidentified  
15 Right.

16  
17 Council President Knapp,  
18 So, I guess the question I would have for the Executive Branch because this was  
19 something that was raised, is this a language issue that the Executive Branch would like  
20 to take the next few weeks to actually work with the Council on to try and resolve, or is  
21 the Executive Branch opposed to the Amendment?

22  
23 Jennifer Hughes,  
24 The Executive Branch is opposed to the Amendment.

25  
26 Councilmember Trachtenberg,  
27 So giving you the extra week isn't going to make a difference.

28  
29 Unidentified  
30 No.

31  
32 Councilmember Trachtenberg,  
33 All right, well, I withdraw my, I withdraw. I was trying to find consensus here. But I  
34 withdraw my motion at this point.

35  
36 Council President Knapp,  
37 Hold on, let me just, we don't even need a motion to strike. We have to take Action on  
38 each of these items. Okay, so we just have a vote on each of the items before us, so  
39 they'll either or they'll fail. So, Councilmember Elrich.

40  
41 Councilmember Elrich,  
42 Yeah, I'd like to move to table discussion of question B until next week and give our staff  
43 at least a chance to come back.



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1 Councilmember Trachtenberg,  
2 Well, that's what I was asking.

3  
4 Councilmember Elrich,  
5 Well, yours was, I'm saying a table to next week, question B, to give our staff a chance  
6 to come back, and if they can only give us something that specifies Transit Districts  
7 that's narrow enough, I'd like to see that. I mean, we're going to take everything off the  
8 table, any possibility to do anything, and if this is a matter of like some specificity to deal  
9 with some problems that we know we are going to have to deal with, I would like to have  
10 the chance to see where the staff can come up with something that's narrow enough  
11 that at least we can deal in the transit area. I mean, this, we are going to get soaked on  
12 transit. We are going to get no money from the state, that is painfully clear, so how  
13 we're going to provide anything around here, anything other than, you know, our modest  
14 road paving program, is a real problem. I think we need to take advantage of this.

15  
16 Council President Knapp,  
17 I guess, I agree with your point. I guess the question is, the Executive Branch has said  
18 that they're opposed, so the question then still becomes an issue for the Council. I  
19 agree that I think the issue that you've raised is one that we need to figure out how  
20 we're going to generate those revenue, and this is a mechanism with which to do it. I  
21 think that question is still before the Council, and I think five Councilmembers can still  
22 vote to support that, if they so chose. So I think that's the issue that we have in front of  
23 us right now.

24  
25 Councilmember Elrich,  
26 Yeah. I mean, my inclination is that if this can't pass, that I'm going to look at any master  
27 plan that has up zoning and I'm going to say bring me back the master plan after you  
28 have got the votes in the area to create a Development District. Because that's the only  
29 other way to raise the money. So, if you want to do White Flint, come back with, you  
30 know, the signed signatures of what percentage of the population is it that we need?

31  
32 Council President Knapp,  
33 Round two of conversation. Councilmember Leventhal.

34  
35 Councilmember Leventhal,  
36 Well, just to be clear, we have Taxing Districts, and we can create new ones.

37  
38 Council President Knapp,  
39 Right.

40  
41 Councilmember Leventhal,  
42 Well, I understand.

43  
44 Council President Knapp,





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1 Mr. Leventhal has the floor.

2  
3 Councilmember Leventhal,  
4 I understand. The purpose of Mr. Orlin's suggestion is that we would expand our  
5 capacity, but we're not prohibited from doing them now, we have them now, and, you  
6 know, I understand the idea that we're going to take these out from under the cap. The  
7 County Executive is saying he doesn't want to put that before the voters right now, so  
8 we're going to be in a situation where the Council and the Executive are going to be  
9 giving conflicting recommendations to the voters in November. I think that's an  
10 undesirable situation to be in and I don't think that there is, as I said earlier, I don't think  
11 that there's some major infrastructure priority that is going to suffer as a result of our not  
12 amending the Charter right now. So I'm comfortable with where we are. We have  
13 Taxing Districts. They are a tool that's available to us. We're not precluded from using  
14 them. It might be nice to take them out from under the cap, that does mean that we  
15 would have the ability to raise more property tax which is exactly the concern that the  
16 County Executive is raising here, that the signal we're going to be sending by putting  
17 this on the ballot is we're going to raise more property taxes and we're going to exceed  
18 the Charter limit by a greater amount. That's plain and simple, what the effect of this  
19 would in fact be. So, you know, if the County Executive is going to fight that, I don't want  
20 to be in a situation where I have to explain why the County Council and the County  
21 Executive don't agree on a pretty confusing Charter Amendment. We have to explain  
22 these things to our public. They think we know what they're about. And to have to  
23 explain why it's critically needed when the County Executive is fighting it puts us in a  
24 pretty complex situation for the next several months.

25  
26 Council President Knapp,  
27 No, I appreciate, and I guess I do share my colleagues' frustrations that this would have  
28 been a good conversation for us to have had over the intervening two weeks, not  
29 necessarily be having now in this debate. I mean, I think there are good points and I  
30 think there actually is a conversation that could have occurred, and unfortunately, we're  
31 having it now with a lack of full information and good questions and there's a lot that we  
32 could get to, but we're not going to get to it because of how this has been presented  
33 now so that is troubling.

34  
35 Councilmember Leventhal,  
36 If I could make a parliamentary inquiry, so is the Council President in effect saying that  
37 we are having a division here on the Resolution, which is on, begins on circle one of the  
38 original Agenda item five? So we're just.

39  
40 Council President Knapp,  
41 We'll just take them as two separate votes.

42  
43 Councilmember Leventhal,  
44 Three.



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Council President Knapp,  
Three separate votes.

Councilmember Leventhal,  
Very good. Okay.

Council President Knapp,  
Correct. Councilmember Floreen final, oh actually, two more comments, then hopefully we can move to Action.

Councilmember Floreen,  
Sure, okay. Thank you. I just wanted to say, to Tim and Jennifer, well, I'd sure love to have your advice then if this is not an approach you want to endorse, how else we fund things such as our, the transit initiatives that we're all deeply into, as well as the variety of special services. You know, we worked hard with you, to look at the revenue approach which admittedly is interesting and challenging. And we are only just now getting going, and I complimented you earlier on that initiative, and I think that's great. But we are at the, well, doing our very best to find ways to deliver to our residents the programs, services, and capital infrastructure that they demand, and that we've tried to promise at a way that's fair and keeps the burden off the average taxpayer. Now, if you can come up with some new initiatives, I'm delighted. And I look forward to working with you on that. But we need as many tools as we can, I think, to address this. A person can define this in any way they want. But the real issue is how do we deliver what we promised, and I think this is one we're going to have to work on collectively over the years, and frankly, within the next capital budget. I mean, we're just approving \$18 million supplemental for your project, the Silver Spring Transit Center. We're trying to make this all work, but at the end of the day, we're all in the same boat with respect to financing. Very difficult, very expensive, and increasingly hard to finance projects. So let's find another way then.

Council President Knapp,  
Okay, so we have before us, a Resolution with three elements. We'll vote on each of them independently. The first is item A, the repeal of legally ineffective provisions. That's good. Those in support of question A as drafted and presented, indicate by raising your hand. You up or down? Okay. Councilmember Leventhal, Councilmember Ervin, Councilmember Berliner, Council Vice-President Andrews, Councilmember Elrich, Councilmember Trachtenberg, Councilmember Floreen, and myself. Those opposed? Councilmember Praisner. We now turn to letter B, Charter Amendment, property tax limits Special Taxing Districts with the language as proposed in the supplementary packet, those provided to us today. Those in support of including limiting the property tax limits Special Taxing Districts language as proposed, indicate by raising your hand. Councilmember Ervin, Councilmember Elrich, Councilmember Floreen, and myself. Those opposed? Councilmember Leventhal, Councilmember Berliner,



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1 Councilmember Praisner, Councilmember Trachtenberg, and Council Vice-President  
2 Andrews. That Amendment will not be included. And then letter C, property tax limit  
3 votes needed to override. Councilmember Leventhal.

4  
5 Councilmember Leventhal,

6 A quick comment in case anyone is confused. Just to clarify for those who may be  
7 watching at home, in voting to place question C on the ballot, Councilmembers are not  
8 expressing support for question C, it is my intent as a voter to vote against question C,  
9 but we're legally obligated to follow a matter that has been petitioned to the ballot, and  
10 so what, just purely for the purpose of clarification, all we are doing is agreeing that this  
11 matter has satisfied the legal requirement for a question to be petitioned to the ballot.  
12 We're not expressing support for the question.

13  
14 Council President Knapp,

15 No, and that's a very good clarification. Thank you Mr. Leventhal. So we are now voting  
16 to place item C on the ballot, and nothing beyond that.

17  
18 Councilmember Leventhal,

19 Does this now become question B?

20  
21 Unidentified

22 Yes.

23  
24 Mike Faden,

25 Yes, we always make that change if something drops out.

26  
27 Councilmember Leventhal,

28 Thank you.

29  
30 Council President Knapp,

31 Okay. Those in support of placing it on the ballot indicate by raising your hand. Sure.

32  
33 Councilmember Berliner,

34 Are we requesting that, are we voting to have it on the ballot?

35  
36 Council President Knapp,

37 Turn your.

38  
39 Councilmember Berliner,

40 I apologize. Are we voting to have it on the ballot, or voting that this wording appear on  
41 the ballot if in fact the courts petition?

42  
43 Council President Knapp,

44 No, no, this is, this is, this is, this is not that one yet.



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Councilmember Berliner,  
I apologize.

Councilmember Trachtenberg,  
We're not there yet.

Council President Knapp,  
We're not to that one.

Mike Faden,  
Let me answer the question, so there is no doubt. There are two Resolutions in here, in this first one with respect to question C, now going to be question B, you're approving the language on circle 4A as the ballot language for that item. Then there's a second Resolution, which follows that, starts on circle 5 and 6, also required by state law, I can't tell you why it has to be done separately, but from our reading of state law it does, and that says yes, you do agree that this petition has met the requirements and goes on the ballot.

Councilmember Berliner,  
Okay. My question stands as to whether or not we are voting to put something on the ballot, or are we voting that the wording that will appear on the ballot, is as follows.

Unidentified  
Both.

Mike Faden,  
Not to be too hyper-technical, the first vote is the latter, the second vote is the former.

Councilmember Berliner,  
Okay.

Council President Knapp,  
Okay. Right. So, we're voting that question C, what is question C will become question B, satisfies the legal requirements and therefore we are placing it on the ballot. Okay. So, those in support of? So close. Councilmember Floreen.

Councilmember Floreen,  
Did we correct the language here.

Council President Knapp,  
Yes.

Councilmember Floreen,



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1 To apply to a unanimous vote?

2

3 Mike Faden,

4 Yes, we redrafted language from what you saw two weeks ago. It's on circle 4A, the  
5 middle of the page, as you can see, it says.

6

7 Councilmember Floreen,

8 It says nine, not seven.

9

10 Mike Faden,

11 Well, that's the actual wording of the Amendment that Mr. Ficker circulated.

12

13 Councilmember Floreen,

14 Right. Yes.

15

16 Council President Knapp,

17 To require.

18

19 Mike Faden,

20 The ballot language in the middle of the page, as you mentioned, says require a  
21 unanimous vote of nine Councilmembers rather than the seven out of nine votes  
22 currently required. That is slightly different. It does use the word unanimous from the  
23 original draft we gave you two weeks ago.

24

25 Councilmember Floreen,

26 I guess I just don't have the right piece of paper.

27

28 Council President Knapp,

29 It's right here. 4A, to require a unanimous vote of nine Councilmembers.

30

31 Councilmember Floreen,

32 Oh, oh, unanimous vote.

33

34 Council President Knapp,

35 Rather than seven out of nine votes currently required.

36

37 Councilmember Floreen,

38 Oh, oh, okay, that was, I see.

39

40 Council President Knapp,

41 Right.

42

43 Councilmember Floreen,

44 I wasn't reading it close. Thank you.



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1  
2 Council President Knapp,  
3 Okay. Further discussion? Councilmember Berliner? Okay, your light's still on. Okay. All  
4 in support of recognition that this meets the legal requirements and will therefore be  
5 placed on the ballot, indicate by raising your hand. That is unanimous. Thank you very  
6 much. We now turn to the fourth item for, the third item to be potentially placed on the  
7 ballot which is Agenda item 6. Mr. Faden.

8  
9 Mike Faden,  
10 You do need to separately approve the second Resolution, which is on circle 5 of that  
11 same packet.

12  
13 Council President Knapp,  
14 Okay.

15  
16 Mike Faden,  
17 Which is the one that says that, not just that you approve the language, but that that  
18 petition meets all requirements, which, in this case, we don't have, given that the Board  
19 has certified it, we don't have any doubt that it does.

20  
21 Council President Knapp,  
22 So we need an additional vote on that one?

23  
24 Mike Faden,  
25 On that Resolution.

26  
27 Council President Knapp,  
28 Okay. Okay. All in support of, what exactly is?

29  
30 Mike Faden,  
31 It's the qualification Resolution on circle 5 and 6 of item 5.

32  
33 Council President Knapp,  
34 Okay. All in support of the qualification for ballot of petitioned Amendment to County  
35 Charter, indicate by raising your hand. That is also unanimous. Thank you. Now we turn  
36 to Action on Agenda item 6, which is the final ballot title for referendum on County law.

37  
38 Mike Faden,  
39 Yes. This is a referendum, assuming it does qualify for the ballot, which is still being  
40 litigated on the discrimination on gender identity law that the Council passed in the  
41 Executive side last year. As you know, that was petitioned. The Board of Elections  
42 concluded the sufficient petition signatures were submitted, that's been challenged in  
43 court, the circuit court has not made a decision yet, but in the meantime, the statutory  
44 deadline is approaching. So, as we've done in the past, we've given you a Resolution



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1 which is conditional on it qualifying for the ballot. The language is on circle 2 of this  
2 Resolution, it is essentially the short title of the law that was passed.

3  
4 Council President Knapp,  
5 Okay. And so the Council is voting now to adopt the attached wording, it is on circle 2,  
6 for gender identity discrimination, conditioned on the outcome of the lawsuit. Which  
7 means that if the lawsuit is not successful, then this will appear on the ballot.

8  
9 Mike Faden,  
10 Yes.

11  
12 Council President Knapp,  
13 If the lawsuit is successful, then this will not appear on the ballot.

14  
15 Mike Faden,  
16 Yes.

17  
18 Council President Knapp,  
19 Okay. Is that clear? Okay. All in support of the ballot language as proposed indicate by  
20 raising your hand. That is unanimous. Okay. Thank you very much. That concludes the  
21 Council's actions for this morning. We have lunch at 12:30 with the Maryland  
22 Association of Counties, President Jim Smith and Executive Director Dave Bliden at  
23 12:30 in the sixth floor conference room. I thank you all very much, and we will  
24 recommence at 1:30 for public hearings.  
25

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1 Council President Knapp,  
2 Emergency Management and Homeland Security - \$500,000 for Emergency  
3 Management Planning Grant. Persons wishing to submit additional materials for the  
4 Council's consideration should do so before the close of business on July 23, 2008. A  
5 Public Safety Committee worksession is tentatively scheduled for July 24, 2008 at 9:30  
6 a.m. Please call 240-777-7900 for information. Before beginning your presentation,  
7 please state your name clearly for the record. We have no speakers. This concludes  
8 this public hearing. Good afternoon ladies and gentlemen, this is a public hearing on a  
9 supplemental appropriation to the County Government's FY09 Operating Budget,  
10 Montgomery County Fire and Rescue Service, \$819,500 for National Urban Search and  
11 Rescue Response System Grant. Persons wishing to submit additional material for the  
12 Council's consideration should do so before the close of business on July 23, 2008. A  
13 Public Safety Committee worksession is tentatively scheduled for July 24, 2008 at 9:30  
14 a.m. Please call 240-777-7900 for information. Before beginning your presentation,  
15 please state your name clearly for the record. There are no speakers for this hearing.  
16 This concludes this public hearing. The Council stands in recess until 7:30 this evening  
17 for a public hearing on Bill 27-08 Motor Vehicles and Traffic Parking Regulations,  
18 Commercial Vehicles, Recreational Vehicles, and Buses. Thank you very much.  
19